

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

KATERI LYNNE DAHL,  
Plaintiff,

VS.

CHIEF KARL TURNER, in his individual  
capacity only; OFFICER JOHN DOES 1-3,  
in their individual capacities only;  
and CITY OF JOHNSON CITY,  
Defendants.

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CASE NO.  
2:22-CV-00072-KAC-CRW

DEPOSITION OF

**ERIC DAIGLE**

(Taken December 28, 2023)

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CITY OF JOHNSON CITY

CATHY BALL  
CITY MANAGER  
CITY OF JOHNSON CITY

1           -- I would be talking about a USA or an AUSA on the  
2           federal law side, but...

3       Q.   Sure. Do you know if this sexual assault protocol that  
4           Steve Finney promulgated applies to federal prosecutions?

5       A.   I don't. I don't know if the federal USA in the area has  
6           said we agree or not. I don't know.

7       Q.   Okay. I'm going to get to Finding 2, which is the  
8           material deficiencies with JCPD sexual assault  
9           investigations. And your first sentence there says that  
10          Johnson City's investigative practices were found to  
11          compromise the effectiveness of the response to sexual  
12          assault and led to under-enforcement of sexual assault  
13          laws in Tennessee. Was there a certain -- what evidence  
14          formed the basis of that conclusion?

15      A.   Again, I'm reviewing all of the cases for failures, and  
16          the failures are identified in the remainder of the  
17          findings section.

18      Q.   Okay. You -- you particularly make reference in this  
19          paragraph to non-stranger sexual assault. Was that a  
20          particularized issue with Johnson City investigations  
21          based on your review?

22      A.   As it says in the -- in the bottom there, that there were  
23          -- as we identified failures in cases, we also identified  
24          a pattern that these cases specifically fell into that  
25          category.

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1 Q. Okay. And when you say a pattern, can you tell me sort of  
2 what underlying facts you notice that form the pattern?

3 A. Well, I would have to take a look at the majority, you  
4 know. The spreadsheets are there looking at, you know,  
5 did -- was the victim interviewed, was evidence collected,  
6 was the suspect interviewed, or comments that were made in  
7 the investigation which show -- which show or can be  
8 interpreted as some form of bias in that those were the  
9 things that we found as consistent in the cases that were  
10 prominently identified to be challenges.

11 Q. When you say bias, what do you mean by that?

12 A. Well, there's two types of biases in our world, and that  
13 is, you know, implicit and explicit. And explicit, as you  
14 know, is, you know, sexism and racism as a type. And then  
15 implicit are biases that can be formed by many  
16 applications. As investigators, it is the goal of  
17 supervisors and investigators to be -- to be trained and  
18 supervised to ensure that no implicit biases can come into  
19 application. Some of the ones that I clarified here could  
20 be, you know, the fact that there was a dating  
21 relationship, and then there was an allegation of a sexual  
22 assault, or that the female victim was a prostitute, or a  
23 drug user, or had a long history of different types of  
24 conduct. And oftentimes the challenge is to ensure that  
25 the investigators don't use their biases, their experience

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1           and their history, to determine the credibility of a  
2           victim's complaint.

3       Q.   And you noticed a pattern of bias by Johnson City in  
4           investigating sex crimes?

5       A.   In the departments -- in the cases that were a failure.  
6           And I think it's again -- I'm going to say it again and  
7           again, which is not all of the cases were failures. There  
8           was good work done by men and women at Johnson City Police  
9           Department. But the ones that failed, you know, they  
10          failed -- they failed. And when we evaluated why they  
11          were shown as a failure, these are the things that were  
12          identified in the process.

13       Q.   What constitutes a failure in your view?

14       A.   As I said, we're going to go through the categories as the  
15           assessment matrix, and then when we start to identify more  
16           than one case has -- has not done the things that we would  
17           expect them to do, we're going to start asking questions  
18           as to why they didn't do it and start looking at trying to  
19           identify what the challenges were. And when we dig deeper  
20           into the reports, a lot of times the biases will come out  
21           in the reports based on statements such as, you know,  
22           these individuals were in a dating relationship and then  
23           the victim came and gave a sexual -- a complaint of sexual  
24           assault. And now the victim doesn't want to -- doesn't  
25           want to continue the investigation, case closed. And

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1 we're like, well, wait a minute. That's not -- that's not  
2 supposed to be the way that that works. Or the victim has  
3 a long history as a prostitute or has a long history of  
4 drug addiction, you know. And just because they have  
5 these things in their history, you know, doesn't  
6 automatically disqualify them from being a victim and the  
7 investigator needs to do more work to ensure that the  
8 disqualification, you know, the evidence is clarified.

9 Q. Thank you. Turning to the next page, Page 15, you had  
10 Finding 3 that JCPD's investigations were found to be  
11 inconsistent, ineffective, and incomplete. And I know we  
12 talked about sort of some investigations being good and  
13 some being failures. Out of these 325 cases that you  
14 reviewed, do you have an opinion on the number of good  
15 cases versus failures?

16 A. Not without looking at my spreadsheets, no.

17 Q. Okay. Would the spreadsheet indicate to you a number?

18 A. No. You know, it would. If you sit there and do the  
19 math, you're going to see...

20 Q. Sure.

21 A. ...here's -- let's just give an example. Here's 25 cases,  
22 and as you go down across the board, here's the cases that  
23 didn't do something that they should have done. And as we  
24 look at those -- those quality of those cases, that  
25 assessment tool, along with our assessment of the

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1 is preservation of evidence, destruction of evidence. You  
2 could -- you know, as spending, you know, decades doing  
3 this, you don't have to even go in and search. You can  
4 just go in and hold, and get a warrant, and make sure  
5 you're meeting the needs. But at least the key part is  
6 when some officers -- one of the things that we saw, as I  
7 identify in here, is that when you have information that  
8 something like a sexual assault occurred in a certain  
9 area, you know, for purposes of determining and the  
10 protection of both the victim and the accused, you know,  
11 you want to get that, you want to go in there and get that  
12 evidence. And that has been -- that's a law enforcement  
13 practice, you know. That's criminal procedure, criminal  
14 investigation 101.

15 Q. Got it, okay. So, for example, if a woman is outside of a  
16 residence, she's hysterical, she claims that she has just  
17 been sexually assaulted, is there exigency for a  
18 responding officer to at least try to hold the scene to  
19 prevent destruction of evidence?

20 A. I think there is.

21 Q. Okay, thank you. And if an officer didn't hold the scene,  
22 it could logically flow that a suspect could destroy or  
23 tamper with evidence?

24 MR. HERRIN: Object to the form of the question.

25 A. It's possible.

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1 Q. For example, he could do laundry, wash the sheets, right?  
2 A. True.  
3 Q. Yeah, okay. Thank you. Recommendation -- turning back to  
4 Page 17, there's recommendation 3a. It says Johnson City  
5 should develop a checklist for all sex related  
6 investigations by responding officers and supervisors to  
7 ensure consistency in collecting and documenting evidence.  
8 I take it by the language you use here, the verb "should,"  
9 that no such checklist existed at the time of your audit.  
10 A. We did not receive any type of checklist.  
11 Q. Is it industry standard to have such a checklist?  
12 A. I think well-functioning investigative units would want  
13 that for at least the responding officers. You're talking  
14 about inexperienced officers who, you know, they're not  
15 going to remember all of the steps that they should take.  
16 And you don't want to -- you know, you don't want to --  
17 the way that -- the way that myself and my team look at it  
18 is that I'm not worried about your feelings here, I'm  
19 worried about the fact that you got everything done. And  
20 so I think a checklist is val' -- we use checklists in  
21 different types of investigations to just ensure that if  
22 the individual who gets dispatched to this crime is a  
23 brand new officer and has no experience that -- that, you  
24 know, they are -- they have something to refer to make  
25 sure that they're doing everything in their power.

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1        didn't exist, I don't know.

2        Q.    Okay, fair enough.    But in terms of this recommendation 3c  
3        when you talk about accountability for supervisors,  
4        officers, and investigators, what do you mean by that?

5        A.    So if you go back to the beginning of the document, we had  
6        that image that we talked about, policy, training, and  
7        supervision, right?    The way that we build strong  
8        organizational operations is to make sure that supervisors  
9        and people who do the job are held accountable for doing  
10       it the way they're supposed to.    And, you know, that  
11       changes over the years.    A new officer is not going to  
12       have the experience and the time to learn how to do it  
13       correctly, so as a checks and balance to the system, we  
14       would expect that his supervisor, or her supervisor or  
15       command staff, or that we're checking to make sure that  
16       these things are being held accountable.    And so on all  
17       the things that we talked about to this point, you know,  
18       not doing search warrants, not securing scenes, not taking  
19       statements, whatever the failures that we identified or  
20       the concerns that we identified, my biggest question is  
21       going to be where was the supervisor or where was the  
22       command staff to make sure that this got done, and why --  
23       why -- why do we need an outside assessment to find things  
24       that we should be finding ourselves along -- along the  
25       process.

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1 Q. Can you tell me more about some of the failures of  
2 supervision in having case documentation and proper case  
3 files?  
4 A. Well, I mean, I can only -- I can only utilize my  
5 experience with departments, and that is that we are built  
6 in a mechanism that there are all -- there's always a lot  
7 of checks and balances to ensure effectiveness. One of  
8 the checks and balances is an on-scene supervisor or a  
9 sergeant working that's going to go out and help the  
10 officer on the scene make sure that they do it correctly.  
11 That these same supervisors are going to be reviewing the  
12 reports that the -- that the officers are submitting. You  
13 know, the purpose of that supervisor is to make sure that  
14 they're following department policy and training. And  
15 then there's command staff above the supervisors. And the  
16 same thing even in the criminal investigations unit, which  
17 is, you know, you have sergeants, and you have  
18 lieutenants, you have captains, you have deputy chiefs and  
19 chiefs. The reason for these ranks are not just to hold  
20 the position, but to be the checks and balances for -- for  
21 the effectiveness of the agency to make sure that they are  
22 one in protecting their people and that things are being  
23 documented and done correctly, and, if not, that they're  
24 taking action to address it.  
25 Q. And it is your opinion that there were failures here at

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1 Johnson City as to sex crimes by these supervisors?

2 A. Yes.

3 Q. And particularly, there were failures by these supervisors

4 at Johnson City as to the Sean Williams cases that you

5 reviewed?

6 A. I guess I say yes because, you know, especially the one we

7 used for an example, you know, why wasn't the scene

8 secured? If there's supervisors on scene, maybe the

9 officer doesn't understand what's supposed to be done, but

10 I do expect the experienced supervisors to understand

11 what's supposed to be done.

12 Q. And you have no explanation -- sorry, strike that. You

13 have no good explanation for why these supervisory

14 failures occurred.

15 MR. HERRIN: Object to the form of the question.

16 A. I don't know why, correct.

17 Q. Thank you. Turning back to Page 19, line "d", the case

18 file records were deficient in the documentation of

19 witness interviews. A threshold question, in the context

20 of sex crimes, who is a witness?

21 A. It could be anybody who witnessed it, you know, other --

22 other people in the room, other people at the party, other

23 people in the area, you know, medical staff that treated

24 the person, you know. A witness is very broad, so again,

25 case by case. Sometimes there are no witnesses, but if

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1 Q. And you are not involved in Johnson City implementing  
2 these measures.

3 A. I'm not, no.

4 Q. Okay, great. Thank you. Turning to Page 24, you have  
5 "g", JCPD's response to sexual assault was challenged  
6 based on gender-based stereotypes and bias. And then  
7 there's specific statements by investigators and  
8 department leadership that women reporting non-stranger  
9 sexual assault are lying, and that such assaults are less  
10 severe and traumatic to victims than other serious crimes.  
11 Can you elaborate on that statement to me? What were you  
12 referring to?

13 A. So, in speaking with different investigators, and I  
14 believe the key one here was Investigator Dunn, there was  
15 some directions that command staff in the investigative  
16 application, and maybe in other areas of the department,  
17 would make allegations or assumptions based on the  
18 position or the situation that the female was in at the  
19 time of the alleged assault, and therefore was lying as a  
20 result of it. And obviously, that is -- that is biased,  
21 and it's biased as to the victims, and it needs to be --  
22 it has no place in sexual assault investigations.

23 Q. Did Investigator Dunn identify which supervisors held  
24 those views?

25 A. My recollection was that in the investigative application

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1           that she would hear the commander, Kevin Peters, make  
2           comments about -- about the females who were victims and  
3           the situations that they were faced in. I don't have her  
4           notes specifically in front of me, but that's what led to  
5           us asking, you know, additional questions and follow-up.

6   Q.   Are her notes part of your file?

7   A.   They are.

8   Q.   Okay. And other than Kevin Peters, what about Chief  
9           Turner? Was there any reference made to him in this issue  
10          of gender-based stereotypes and bias?

11  A.   I don't recall.

12  Q.   Any lieutenants?

13  A.   I don't recall. I only recall the commander at this  
14          point, but it was -- it seemed to be -- you know, as we  
15          started talking about earlier, you know, when things are  
16          not going right, we want to know why, this is the way we  
17          do it here, and our drill down into custom, which I think,  
18          you know, got better with JCPD over the years. I mean, we  
19          found less challenges in the 2021 and 2022 investigations  
20          than we did back in the '18, '19, '20 investigations. So  
21          the -- just as a totality, when we asked, well, why wasn't  
22          this investigated more and why didn't the investigators  
23          dig deeper, it was, well, you know, females -- if she was  
24          -- if she was in a -- in a relationship, or if she was  
25          formerly a prostitute, or she was a drug user, that those

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1 is this is what we knew, this is what the investigation  
2 found, is it a fair and full and clear investigation, and  
3 now if there's an issue with prosecution, then that is --  
4 that is the job of the prosecutor. You know, it just --  
5 most people have gotten away, and I even think your own DA  
6 has gotten away with the fact of you can't call a  
7 prosecutor and just say, hey, I want to -- you know, the  
8 victim doesn't want to -- doesn't return my calls. Okay,  
9 good, we're going to decline. That just doesn't -- it  
10 won't work in the last decade, so...

11 Q. You say it's also a failure of supervisors. Can you  
12 elaborate on that? What is the supervisory failing here  
13 when a prosecutor declines to prosecute?

14 A. Well, the supervisor has to approve the closure, so they  
15 have to approve and agree with the officer that the report  
16 is -- you know, that everything is good. And if I was a  
17 supervisor, I think the biggest area of concern is that  
18 they're not looking out for their people because if I was  
19 a sergeant, a lieutenant, and one of my investigators  
20 brought to me a closed and said, hey, I talked to the  
21 prosecutor and the prosecutor said that we're going to  
22 close this case, and I was like -- I would be, like, where  
23 is the evidence of that, where is the -- where is the  
24 form, where is the -- where is the E-mail, where is that?  
25 Just because they told that to you, I'd say, you know, if

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1       this goes sideways, the prosecutor may selectively recall  
2       that conversation a different way, and where's -- where's  
3       the protection for your people?

4       Q. You mentioned Connecticut requiring an affidavit, for  
5       example. I know going on to Page 29 where you have a  
6       discussion that prosecution declined, you recommend an  
7       affidavit or a report. Do you know if there have been any  
8       changes, either at state or Johnson City level  
9       requirements as to better documenting a prosecution  
10      decline?

11     A. I do recall in our conversation with the district attorney  
12     and his implementation of two new prosecutors that were  
13     the center point of contact that they were very stringent  
14     as to there were now very clear guidelines as -- which was  
15     identified in the DA's protocol as to how a case would be  
16     closed if it was closed. And the fact that these  
17     prosecutors were -- were, I guess, charged with a more  
18     detailed specific way of doing that, and I'm kind of just  
19     going off my memory here, that he also understood the  
20     significance for his people of being a failure that a case  
21     would come back and say prosecute -- prosecutor -- talked  
22     to the prosecutor and they declined. How do you know  
23     that? Maybe -- maybe the officer never talked to the  
24     prosecutor. We don't know that.

25     Q. You -- you say the exceptional clearance rate for JCPD is

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1 A. Yeah, I think that's, you know, in the business we call it  
2 deliberately indifferent. I think you owe -- you know, a  
3 supervisor owes it to at least try to resolve this case to  
4 the best interest of the victim. And what's the harm,  
5 what's the foul? Unless -- unless you're telling me that  
6 there's just none available, then find one. But I  
7 wouldn't do that, I would reassign it.

8 Q. Do you know who the investigator was in this case? Do the  
9 case notes reflect that?

10 A. That's one of the failure parts of this report writing  
11 system was -- it says "I", but I don't know who "I" is, so  
12 I'm trying to see if there's any -- it's not jumping out  
13 at me.

14 Q. Does it say who the sergeant was?

15 A. It says that the investigator refers to himself,  
16 obviously, as "I", and initially was the on-call  
17 investigator for the weekend, and was called by Captain  
18 Harrell. He might be the duty supervisor for the weekend.  
19 This is actually a very detailed report. I mean, there's  
20 a lot of information in this report. Not -- there's still  
21 a lot of questions in the report, but versus other  
22 reports, it's pretty -- it does -- there is a reference to  
23 Sergeant Hilton...

24 Q. Okay.

25 A. ...on 6/26/19, talking about it looks like the mother

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1 Q. Recommendation 4 states, JCPD's command staff and  
2 supervisors must provide oversight and be held accountable  
3 for the manner in which cases are closed. It sounds like  
4 from this recommendation that you're putting the  
5 accountability on the supervisors rather than the  
6 reporting officers, or at least the officers writing the  
7 reports. Is that fair?

8 A. Well, if the -- you know it's kind of fair. I do believe  
9 the reason why we have supervisors is to make sure the  
10 officers do their job the way that they're supposed to do  
11 it. If the supervisors fail to address it, that only  
12 magnifies the failures. So, you know, if an officer might  
13 not understand the basis of an exceptional clearance or  
14 the officer may not understand what the policy says  
15 specifically as to how something is supposed to be done,  
16 but we hold the supervisors accountable for doing that.

17 Q. Would you expect supervisors to be experienced and  
18 familiar with what constitutes a proper investigation?

19 A. If they are assigned to the CID unit, I would say yes. A  
20 road supervisor, you know, they can come from all  
21 different -- they can come from all different levels of  
22 experience. That's why you have a lieutenant or a  
23 commander. There's other checks and balances. You know,  
24 not every -- not every supervisor is, you know, an expert  
25 or properly qualified to do investigations, that's why

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1           they're not in investigations. But -- but there should be  
2           some checks and balances, which there are. Like in this  
3           situation, if it's a significant case, it's gets assigned  
4           to CID. That's done because CID has the resources and the  
5           skill set to complete the job effectively.

6       Q. In terms of this oversight, would you expect a lieutenant  
7           over CID to have this oversight?

8       A. I would expect the lieutenant to have knowledge of the  
9           proper mechanisms to conduct criminal investigations, yes.

10      Q. And sex investigations specifically?

11      A. Any investigations, but specifically sex investigations,  
12           yes.

13      Q. The same -- the same question for a captain over CID.

14      A. It matters, you know, what their -- what their involvement  
15           is. Remember, you know, a lieutenant -- a sergeant and a  
16           lieutenant are daily -- are working and are involved in  
17           the daily operations of the agency. If the captain is  
18           reviewing cases, if the captain is providing guidance, if  
19           the captain -- a lot of times captains have  
20           responsibilities for multiple areas. I guess the answer  
21           to that question depends on how involved in how the  
22           department operates CID.

23      Q. What about a chief?

24      A. Well, the chief is the chief. And what that means is that  
25           he employees people below him or her to -- to ensure that

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1 things are operating effectively. And unfortunately, the  
2 reason we see failures across the country is sometimes  
3 policy -- what we call customs or practices don't become  
4 known to the chief until they blow up. The question would  
5 be, you know, what did he know and when did he know it.  
6 And, you know, he's -- a chief is not -- a chief in a  
7 normal agency is not involved in day-to-day operations. A  
8 chief has chief things to do. But that's why he has men  
9 and women below him who are responsible to ensure that  
10 those things don't fail.

11 Q. Thank you. Turning on to the next finding about the  
12 internal affairs process and the Finding 5 that all  
13 complaints and misconduct against the department are  
14 timely investigated. Obviously, here -- well, strike  
15 that. Page 31, are you -- did you study any internal  
16 affairs investigations in the course of conducting your  
17 audit?

18 A. I did not, no.

19 Q. Okay. Did you ask for any?

20 A. I met with the internal affairs commander and asked the  
21 internal affairs commander for any investigations or  
22 complaints made during this time frame specifically  
23 related to sexual assault investigations or sexual related  
24 crimes, and I was told that there was none and there were  
25 no investigations that fit that category. Since that's my

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1       those have been assigned to someone with training in  
2       sexual assault investigations?

3   A.   Experience, yes.

4   Q.   Okay.  If an investigator testified that he did not have  
5       particular training or experience in sexual assault cases,  
6       but was assigned to the Sean Williams cases nevertheless,  
7       would that be problematic in your view?

8   MR. HERRIN:  Object to the form of the question.

9   A.   That would be problematic, yes.

10  Q.   And why would that be problematic?

11  A.   Because it's like any type of investigation.  I don't want  
12       -- I don't want investigators who are not properly  
13       qualified to do deadly force shooting cases doing deadly  
14       force shooting cases.  When we -- I don't want homicide  
15       investigators -- I want them to be qualified and  
16       experienced to do homicide investigations.  You know, the  
17       experience and the qualification based on your training is  
18       important for -- I mean, I think it's the duty that we owe  
19       to our citizens to give them the highest quality of  
20       investigation that is allowed.

21  Q.   Okay.  And recommendation 8c on Page 36, it talks about  
22       bias and also supervisory reviews bias.  Is this  
23       essentially what we discussed earlier about explicit and  
24       implicit bias?

25  A.   Yes, sir.

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1 Johnson City community and doing it correctly.  
2 Unfortunately, you know, there are a lot -- there are  
3 cases that actually getting streamed into certain  
4 individuals and certain job postings that found to be  
5 failures in this case. And, unfortunately, the department  
6 is judged as a whole for the individuals that fail, but it  
7 doesn't mean that there are not other men and women that  
8 are doing the job the way that it's supposed to be done in  
9 Johnson City.

10 Q. Do you have opinions on which individuals within the  
11 department did fail?

12 A. Well, I think that the -- the assessment clearly  
13 identifies that if you are an investigator whose reports  
14 continue to become the topics of my -- my findings and my  
15 recommendations, that will -- that will give a funnel  
16 effect as to where the failures did occur in the agency  
17 that led to these challenges.

18 Q. And that includes supervisors and command structure?

19 A. Well, if they were responsible for overseeing them, then I  
20 would -- I would say yes.

21 Q. Okay. The next sentence talks about discrimination and  
22 law enforcement's handling of sexual assault reports  
23 harming public trust in the criminal justice system  
24 endangering victims and perpetuating negative stereotypes.  
25 What discrimination are you referring there to?

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1 Q. But to put it another way, you didn't intentionally go out  
2 to review particular cases that Kat Dahl was working on or  
3 referred to her?  
4 A. No.  
5 Q. Okay. Do you have an opinion if a forcible rape is a more  
6 serious crime than a felon in possession of a firearm?  
7 MR. HERRIN: Object to the form of the question.  
8 A. I mean, I think they're both pretty serious. You know --  
9 you know, the difficulty for me is I would say one with a  
10 victim and a victim that -- an identifiable victim where  
11 the gun -- gun with a firearm -- a felon with a firearm is  
12 -- doesn't have a victim. Victim-related crimes, I think,  
13 are the most significant crimes that law enforcement  
14 should be investigating.  
15 Q. And is that particularly true when there were multiple  
16 victims with -- with reports of similar sex criminality  
17 against the same suspect?  
18 MR. HERRIN: Object to the form of the question.  
19 A. I can agree with that.  
20 Q. Sure. I mean, in other words, a serial rapist is more  
21 serious than a one-time rapist, although neither is good.  
22 A. I can agree with both of those things, yes.  
23 Q. Okay, thank you. There were some recordings and  
24 conversations involving Ms. Dahl and officers at Johnson  
25 City Police Department. Did you ever listen to those or

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1        what is on the document versus common practice in the  
2        industry. So I am assuming for purposes that everything  
3        the officers put in there are truthful and accurate, and I  
4        found no information that showed me that they weren't  
5        being truthful and accurate, which is why I documented it  
6        in that way. But I'm not doing an investigation to find  
7        out whether they are being truthful and accurate, which  
8        would require additional steps in an investigation. I'm  
9        only assuming that they are based on the quality of their  
10       work and the information that applied. And you're trying  
11       -- you're asking me whether I know for a fact that they  
12       are. I hope they are, but I don't know for a fact that  
13       they are.

14    Q. Fair enough. This record keeping system you identified as  
15       the most significant failure that you came across, is that  
16       an accurate statement on Page 12 of your report?

17    A. Yes, sir.

18    Q. And the defects in a record keeping system are not the  
19       fault of individual investigating officers, is it?

20    A. Well, they're not -- they're not -- yes, I think it's  
21       across the board. A system is only as good as the data  
22       you put in it. And unfortunately, the supervisors should  
23       have been mandating that the officers put more data in the  
24       system. And so the challenge that's faced here is that  
25       the system was archaic, antiquated, and difficult to use,

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1 but it is the system that you chose to use as a  
2 department. So, you know, there is a requirement for the  
3 officers to use whatever system they're provided and to,  
4 you know, protect themselves as we would expect in the  
5 proper documentation.

6 Q. As I understand your assessment of the record keeping  
7 system, it was a lack of a centralized collection process  
8 where you could go one location, find reports, video,  
9 photos, witness statements, all of that in just one  
10 available file. Is that a fair look at it?

11 A. That's fair, yes, sir.

12 Q. It's already been mentioned that you found some paper  
13 records that had been shredded once a case was closed, or  
14 that there was a paper file somewhere that was hard to  
15 retrieve paper -- a paper document. Is that correct?

16 A. That's what we were advised, yes.

17 Q. But you did not find any evidence that investigators had  
18 destroyed evidence in any active investigation, did you?

19 A. I don't know the answer to that, sir.

20 Q. Well, you would ask for and sometimes find a paper  
21 document that had been placed in a paper -- in a file  
22 somewhere. They would retrieve that after some effort.

23 A. That is accurate, yes, sir.

24 Q. Okay. So you did not find where there were documents  
25 shredded, or not able to be found, or intentionally

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